THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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DATED: 16-11-2005

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WRIT PETITION No.24089 OF 2005

Between:

D.Sivakumari . . .Petitioner

And

Acharya Nagarjuna University, Guntur. …Respondent

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WRIT PETITION No.24089 OF 2005

O R D E R:

The petitioner is employed as Steno-Typist in the respondent-university. The promotion and other aspects of the services of various categories of posts in the University are governed by the Special Rules, 1974. The post held by the petitioner is in category 5 of the Ministerial Services. For promotion to the posts in category 3, namely, Senior Assistant Stenographers, the method of recruitment is by promotion from the category of Steno-Typists, transfer from category of Senior Assistants (category 2(i)) and by direct recruitment.

The grievance of the petitioner is that though the channel of promotion for the posts in category 5 is totally different from that of Junior Assistants, the University prepared a draft common seniority list for the posts of Junior Assistants, Junior Assistants-cum-Typists, Typists,
Steno-Typists etc., through its memorandum, dated 29-10-2005. She claims to have submitted her objections on 31-10-2005. Her grievance is that the University is taking steps to finalise the common seniority list under the pressure from unions. She seeks appropriate directions in this regard.

Heard the learned counsel for the petitioner and learned Standing Counsel for the respondent.

Through memorandum, dated 29-10-2005, the University prepared draft seniority list for the posts of Junior Assistants/JACT/Typist/Steno-Typists/JATO/JACA and invited objections. A perusal of the relevant Service Rules discloses that various posts, for which a common seniority list is sought to be prepared, are in different categories and the channels of promotions are also different. The purpose for which the seniority list proposed to be prepared is not immediately known. However, if it is to constitute the basis for promotion to the next higher categories, it would be violative of the Ministerial Service Rules, which were approved by the Syndicate of the University, through its resolution, dated 02-08-1974.

For example, the posts of Junior Assistants are in category 4, and the posts of Typists and Steno-Typists are in category 5. There is a separate promotion avenue for the posts of Junior Assistants, namely, Senior Assistant in category 2. Similarly, an independent promotion avenue is provided for category 5 as Senior Assistant Stenographers in category 3. Such being the case, it is impermissible to prepare a common seniority list for different posts falling in different categories and to operate the same for the purpose of promotion. As of now, the University is yet to take any decision. There is no reason to believe that the objections submitted by the petitioner would not be taken into account.

For the foregoing reasons, the writ petition is disposed of directing that the University shall take the objections submitted by the petitioner as well as the relevant rules applicable to the matter into account, while finalizing the seniority list. There shall be no order as to costs.

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(L.NARASIMHA REDDY, J)

16th NOVEMBER, 2005.

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